IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

WP(C).No. 7564 of 2007(A)

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OS.190/2001 of MUNSIFF COURT, PARAPPANANGADI

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PETITIONER:

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V.MOHAMMED SHERIFF, S/O.MOHAMMEDKUTTY MASTER, EDAYAPARAMBA HOUSE, PULIKKAL, MALAPPURAM DISTRICT. THORUGH POWER OF ATTORNEY HOLDER V.MOHAMMEDKUTTY,S/O.UNNI MOHAMMED, MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

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PALAPETTY MOHAMMED,S/O.ALAVI, PARAMBIL VEEDU, CHERUKAVU, POST PULIKKAL,MALAPPURAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.P.BALACHANDRAN, J.**

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W.P.(C)NO.7564 OF 2007

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Dated this the 7th day of March 2007

**JUDGMENT**

The petitioner is the appellant in A.S.38/04 on the file of the Additional District Court (Fast Track No.III), Manjeri. It is submitted that the said appeal is filed challenging the money decree passed against the petitioner in O.S.190/01 on the file of the Munsiff's Court, Parappanangadi but that proceedings in execution are being continued; that though appeal is ripe for hearing the court below is not taking up the appeal for hearing despite request made in that behalf. In view of the submissions so made, I am of the view that appropriate directions can be given in the matter the appeal being one of the year 2004.

2. In the result, I dispose of this writ petition directing the Additional District Court (Fast Track No.III), Manjeri to dispose of A.S.38/04 on the file of this court as expeditiously as possible and in any event within two months from the date on which a copy of this judgment is received by him provided the appeal is ripe for hearing. The petitioner is at liberty to produce a copy of

this judgment before the Additional District Judge to enable him to comply with the above directions without fail.

Writ petition is disposed of as above.

**K.P.BALACHANDRAN, JUDGE**

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